



General Assembly

January Session, 2007

Raised Bill No. 7393

LCO No. 5832

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Referred to Committee on Judiciary

Introduced by:
(JUD)

***AN ACT CONCERNING DISCLOSURE OF ERASED CRIMINAL
RECORDS BY APPLICANTS FOR CERTAIN POLICE OFFICER
POSITIONS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 31-51i of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 (a) For the purposes of this section, "employer" means any person
4 engaged in business who has one or more employees, including the
5 state or any political subdivision of the state.

6 (b) [No] (1) Except as provided in subdivision (2) of this subsection
7 with respect to an applicant for a position as a municipal police officer,
8 state police officer or State Capitol Police officer, no employer or [an]
9 employer's agent, representative or designee may require an employee
10 or prospective employee to disclose the existence of any arrest,
11 criminal charge or conviction, the records of which have been erased
12 pursuant to section 46b-146, 54-76o or 54-142a.

13 (2) A municipal police department, the Division of State Police
14 within the Department of Public Safety and the Legislative

15 Department may require an applicant for a position as a municipal
16 police officer, state police officer or State Capitol Police officer, as the
17 case may be, to disclose the existence of any arrest, criminal charge or
18 conviction, the records of which have been erased pursuant to section
19 46b-146, 54-76o or 54-142a.

20 (c) [An] Except with respect to an employment application form for
21 a position as a municipal police officer, state police officer or State
22 Capitol Police officer, an employment application form that contains
23 any question concerning the criminal history of the applicant shall
24 contain a notice, in clear and conspicuous language: (1) That the
25 applicant is not required to disclose the existence of any arrest,
26 criminal charge or conviction, the records of which have been erased
27 pursuant to section 46b-146, 54-76o or 54-142a, (2) that criminal records
28 subject to erasure pursuant to section 46b-146, 54-76o or 54-142a are
29 records pertaining to a finding of delinquency or that a child was a
30 member of a family with service needs, an adjudication as a youthful
31 offender, a criminal charge that has been dismissed or nolleed, a
32 criminal charge for which the person has been found not guilty or a
33 conviction for which the person received an absolute pardon, and (3)
34 that any person whose criminal records have been erased pursuant to
35 section 46b-146, 54-76o or 54-142a shall be deemed to have never been
36 arrested within the meaning of the general statutes with respect to the
37 proceedings so erased and may so swear under oath.

38 (d) [No] Except with respect to an applicant for a position as a
39 municipal police officer, state police officer or State Capitol Police
40 officer, no employer or [an] employer's agent, representative or
41 designee shall deny employment to a prospective employee solely on
42 the basis that the prospective employee had a prior arrest, criminal
43 charge or conviction, the records of which have been erased pursuant
44 to section 46b-146, 54-76o or 54-142a or that the prospective employee
45 had a prior conviction for which the prospective employee has
46 received a provisional pardon pursuant to section 54-130a.

47 (e) No employer or [an] employer's agent, representative or
48 designee shall discharge, or cause to be discharged, or in any manner
49 discriminate against, any employee solely on the basis that the
50 employee had, prior to being employed by such employer, an arrest,
51 criminal charge or conviction, the records of which have been erased
52 pursuant to section 46b-146, 54-76o or 54-142a or that the employee
53 had, prior to being employed by such employer, a prior conviction for
54 which the employee has received a provisional pardon pursuant to
55 section 54-130a. Nothing in this subsection shall prevent a municipal
56 police department, the Division of State Police within the Department
57 of Public Safety or the Legislative Department from discharging a
58 municipal police officer, state police officer or State Capitol Police
59 officer, as the case may be, on the basis of such officer's
60 misrepresentation with respect to an arrest, criminal charge or
61 conviction, the records of which have been erased pursuant to section
62 46b-146, 54-76o or 54-142a, required to be disclosed by the officer in the
63 officer's application for such officer's position.

64 (f) The portion of an employment application form [which] that
65 contains information concerning the criminal history record of an
66 applicant or employee shall only be available to the members of the
67 personnel department of the company, firm or corporation or, if the
68 company, firm or corporation does not have a personnel department,
69 the person in charge of employment, and to any employee or member
70 of the company, firm or corporation, or an agent of such employee or
71 member, involved in the interviewing of the applicant.

72 (g) Notwithstanding the provisions of subsection (f) of this section,
73 the portion of an employment application form [which] that contains
74 information concerning the criminal history record of an applicant or
75 employee may be made available as necessary to persons other than
76 those specified in [said] subsection (f) of this section by:

77 (1) A broker-dealer or investment adviser registered under chapter
78 672a in connection with (A) the possible or actual filing of, or the

79 collection or retention of information contained in, a form U-4 Uniform
 80 Application for Securities Industry Registration or Transfer, (B) the
 81 compliance responsibilities of such broker-dealer or investment
 82 adviser under state or federal law, or (C) the applicable rules of self-
 83 regulatory organizations promulgated in accordance with federal law;

84 (2) An insured depository institution in connection with (A) the
 85 management of risks related to safety and soundness, security or
 86 privacy of such institution, (B) any waiver that may possibly or
 87 actually be sought by such institution pursuant to section 19 of the
 88 Federal Deposit Insurance Act, 12 USC 1829(a), (C) the possible or
 89 actual obtaining by such institution of any security or fidelity bond, or
 90 (D) the compliance responsibilities of such institution under state or
 91 federal law; and

92 (3) An insurance producer licensed under chapter 701a in
 93 connection with (A) the management of risks related to security or
 94 privacy of such insurance producer, or (B) the compliance
 95 responsibilities of such insurance producer under state or federal law.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2007	31-51i

Statement of Purpose:

To provide that applicants for certain police officer positions may be required to disclose the existence of erased criminal records.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]